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Confession & Execution
of
Horace B. Conklin
(not Roscoe Conkling)
implicating
Gen. Dan Butterfield
& divers others in the
incendiary fires at
Utica N.Y. in
1850-1
Executed Nov. 21. 1851

FIR ST CLADS

CONFESSiON AND EXECUTION

OF

HORACE B. CONKLIN,

Tried at Utica, October 9th and 10th,

AND

Executed at Whitestown, November 21, 1851.

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ARSON IN THE FIRST DEGREE.



NEW YORK:

PRINTED FOR WILLIAM CONKLIN.

22 1851.

building. I turned and went back a few steps, and I saw Butterfield draw a match and touch it to some shavings and come away. We came up to Fayette street together, and Butterfield went down Fayette street, saying he was going to Sayre's store, and wait until it broke out. Orcutt and myself went across Fayette street and through the lane by Mr. Sayre's house, to Columbia street, down Columbia street to Genesee street, down Genesee street to Liberty street, up Liberty street to where Mr. Cozzens lives, so as to see if it burned or had gone out. We saw it burning very brightly. We then went down Liberty street to Washington street, up that to Fayette street, then down to Genesee street, and I went to Sayre's store to tell them that it would soon break out. I went into the store, and there saw Butterfield, Sayre and McIver; and I think some other persons, but am not positive. Butterfield and Sayre had their firemen shirts on; think no one else. I left the store and went with Orcutt on the west side of Genesee street bridge, and I gave the alarm. Before I gave it the second time, I saw Sayre and Butterfield come out of the store. They run up Liberty street. Orcutt and myself went up Genesee street to the engine house. I did not know that the house was to be fired, until Butterfield came and called me to the door, and told me, he had meant merely to make a sham fire; not a real one. Either the same night, or very soon after, I told Robert W. Chapman, the foreman of the company, of this, in substance as now related.

A short time after this, I received a letter purporting to come from some one, who wanted a \$100 of us for not telling, as he said he was acquainted with the whole transaction. I immediately informed Orcutt and Butterfield of it, and Butterfield said he would do nothing about it. That if any one came to him, he would sue them for trying to obtain money from him by threats. He took the letter and burned it up. This was at the engine house. The letter was signed by Hale or Bale, which I do not now recollect.

When Orcutt and myself left Butterfield, on the night after the fire was set, Orcutt told me that the fire was kindled in the following manner. They took an empty nail keg and then filled

it with shavings, and put the paper and pieces of pitch barrel into it, and then set it on fire; placed an empty barrel over it, and shoved it under the stair way. This was in the part of the building adjoining the house where Collis lived.

The next fire was Cooper's barn, on Water street. The proposal to have a fire, proceeded from Charles H. Sayre, in the following manner: I was in Cassidy's saloon with Orcutt; Sayre called me one side and gave me some money, and told me to give it to Orcutt, and tell him to make some fire for the boys this evening; I done so, and went with Orcutt. After wondering around for some length of time, we went on to Water street, and up that street to the barn. Went to the back side of the barn, and Orcutt fired it underneath with some paper which he lighted with a match. We came away, and when the alarm was given, we went to the engine house.

The next fire was Walker & Clarke's store house, on Washington street. This was proposed by Orcutt. It was at the engine house, when the proposal was made, one evening after a meeting of the company. He filled a lamp-filler with turpentine from a jug that was in the engine house, which was used for the purpose of mixing with oil to burn in the torches. With this we proceeded through the lumber yard of L. Lawrence and round by Munson's millstone shop to Washington street, and went into the alley-way in the rear of the store house. Orcutt poured the turpentine in a place where a board was torn off, and then touched it with a match. I stood at the corner of the alley-way, keeping watch. After he lighted it, we went into the yard of Munson & Hart's and climbed over the shed, and went through the lumber yard into the engine house by the back door, and hid there until after the alarm was given, and the engine taken from the house, when we joined them, and went to the fire. Soon after this Charles H. Sayre told me that I was suspected of firing, by the owner, John C. Hoyt. I denied firing, as I do now.

The next fire that I know any thing about, was Harrington's barn. The evening that this was fired, a number of the members of the Company had been to Checkerville to a supper, given to the Company by R. W. Chapman, late foreman of the Company.

Myself and Henry S. Newell went to Checkerville together in a wagon. On our return, when in front of the Central Hotel, we were stopped by Orcutt, who inquired where we were going, and I replied, to take the horse home, and then go home ourselves, and drove along. After taking the horse home, Newell and myself went over to the Oregon Saloon and got something to drink ; while drinking. Orcutt came in, and Newell a-ked him to drink with us ; he complied. Newell then proposed to us, to go a part of the way home with him, and we started. When we arrived in front of the Female Academy, on Genesee street, Newell proposed to us to have a fire. We said, all right. We went np Gene-ee street to Court street, up Court street to the crossing of the Chenango Canal, then across the commons to Varick street, down Varick street to the yard of the Central Sixth Ward House, and Orcut tried to fire it. I fell against a window and broke it, and we came away to Columbia street, up Columbia street to the office of the Steam Woolen Company, where Newell and myself stopped. Orcutt crossed the road and entered the barn. As soon as he entered, Newell and myself started, and came down to Columbia street, to where it intersects with Hamilton street, and then Orcutt joined us and said, he had set it on fire. We came down to the engine house and went to the fire. After the fire was out and the engine returned to the house, I started to go home from the engine house with Rudolph Snyder, and Newell and Orcutt followed me to the door of my house, and wanted me to go with them to make another fire. I would have nothing to do with it, and they left me.

The next fire that I have any personal knowledge of, is the shed of Paul Keiser, on Columbia street. This was proposed to me, by Newell, in his brother's store one evening. He filled an old rag with turpentine, and put it in his pocket, and after the store was closed, we walked around the streets from one Saloon to another, drinking and smoking til it was late. We then went into West Utica, direct to the shed, and Newell gave me the rag and matches, and I got upon the manger, touched a match to the segar which I was smoking, touched it to the rag, and shoved it into the loft. We came across the common, to Court street, and

down to Genesee street, to Devereux street, through that to Charlotte street, down Charlotte to Bleecker street and up to the engine house, and from there to the fire with the Ho-e Company. Orcutt was not with us when this was done.

The next fire of which I have any knowledge, was the barn of Hatch, at the foot of Seneca street. This was proposed by Newell, who said it was a good night to make a fire, and he swore he would not go home until there was one. During the evening we were at the Garden Alley, rolling ten-pins and drinking very freely. This conversation was after we had left there. We came up Whitesboro street to Seneca street, and Newell said that he had a spot picked out, and when we came to the alley-way he went in and I followed him. The barn door was open. We went in, and Newell set it on fire in one place and myself in another, and came away, and went into my house; staid there in the kitchen, and built a fire in the stove; sat there until the alarm was given. Newell told me that James L. Sayre was knowing to this fire the next morning after.

The next fire was the first Presbyterian church. This was proposed to me one evening in Newell's store, about two or three days before it was burned, by James L. Sayre and Newell. I refused to have any thing to do with it at the time. On the night it was burned, I was in company with Newell, drinking and carousing until quite late. Newell proposed to go home with me, and stay at my house all night. When we got there, he asked me to go and walk a little farther with him. I went; went up Liberty street to where there is a new double dwelling house, and then went across into the church yard; when we got there, Newell took two pieces of paper out of his pocket and rubbed them on the snow, and stuck them on the glass of the window. He said there was gum paste on the paper, and he could break the glass without making a noise. He broke one pane of the glass and myself another. This was to unbolt the window and raise the sash to get in. We went in and proceeded, through the session room, up stairs, into the steeple. We stopped in the section under the bell room. I gathered up some chips and shavings that lay on the floor, and put them in the north-

west corner of the room. Newell took from his pocket a sponge which was filled with turpentine, which he got at his brother's store, and candle also, and with the candle he lighted the sponge and threw it among the shavings and chips. I cut the bell rope off and tied a piece of shingle to the rope, so that it could not be rung. We now came away. I went home and went to bed, and staid there until called by Mrs. Morgan, who lived in the same house with me. Where Newell was, I did not know until the next day, and then Mrs. Conklin told me she saw him in our back yard looking through the fence at the fire. In relation to what Laupaugh swore to on my examination, I know nothing of it at all. For my part in this transaction I had the following articles and money given me by James L. Sayre: two penknives, one six blade Congress knife, and at different times four or five dollars in money.

The next fire was Foster & Dickinson's store. This was proposed to me by Newell and Sayre, and by Newell to Orcutt. On the evening on which it was fired there was a false alarm of fire, and a sort of fireman's row at the corner of John and Bleeker streets, between Columbian Hose Co. and Osceola Engine Co. No. 9. A part of our company was there. After going home with Columbian Hose Co. we [that is, Newell, Orcutt and myself,] drank a number of times in a number of different places, until about ten or half-past ten o'clock, when we went into the alley-way by the Catherine Street House, through a shed occupied by John Butterfield & Son, into the yard in the rear of Tiffany's bookstore. We got upon the fence, and Orcutt got over and raised up the window, and said to me "come along, Hod." I got down and held the window until he got into the store, and then he held it until I got in. With the aid of a match I found an empty barrel, and into this we put some old barrel heads. I drew some turpentine and poured it on to the pieces; the quantity was nearly half a pint. I now got out of the window. Orcutt drew a match and threw it into the barrel, and then as he came along he stopped and turned the faucet of the turpentine can, and set it to running on the floor, and then got out, and we came out the same way we went in. We found

Newell on the cross walk in Genesee street, between the National Hotel and Bailey's jewelry store. This fire, Newell afterwards told me, was planned, about a month previous, by himself and James L. Sayre. He said he wished it had burned up the old brush factory.

The next fire was the barn of Mr. James Sayre. This was proposed to me by his son, James L. Sayre, and it was also proposed to Orcutt and myself by Newell. On the night that it was burned, we went round to the places as stated by Newell on my trial. And when I started to go home he proposed to go up there and fire the barn. We went. Newell went by the archway of the barn. I went in. I put my hand through the window, or hole, which was open, and took hold of the manger and raised myself up so as to reach into the loft, drew a match and lit a handful of hay and threw it into the loft. The manger was filled with hay, and the door, or hole, opened by James L. Sayre, so he told me before the fire, and after the fire also. For this I received from him one four-bladed knife, three one-bladed dirk knives, an ivory rule, bound with German silver; ticket to No. 5's Company ball, ticket to promenade concert given by Columbian Hose Co., and money at different times to the amount of six or eight dollars, from James L. Sayre, and some eight or ten dollars from Henry S. Newell.

These are all the fires I know anything about, personally. What else I know, was told me by Orcutt and Newell. Newell told me that he fired Marsh's livery stable. Orcutt told me that he fired it with the help of Newell. Newell told me that he held the ladder, while Orcutt went up and fired Downter's stable in his lumber yard. Orcutt told me that John O'Neil and himself fired Clark's livery stable, and that at the request of D. A. Butterfield, he fired Hawley's stable, and I have no doubt of its being true, for Butterfield said to me on election day, that if Charles H. Sayre was elected Alderman, there would be a rousing fire in the first ward that night; these are the words used by him. Orcutt also told me that he fired the barn of the Mansion House, and also Wratten's carpenter shop; and also, that John O'Neil and himself fired Millar's carpenter shop. Orcutt also told me

that he and Newell fired the house of John Camp on Liberty street, No. 46, and that Newell took him into my house one night to have him fire it, but he refused. Newell got Daniel A. Butterfield to insure the house for the purpose of having it burned. He also wished me to set it on fire, and he said if I lost anything he would pay me for it, or make it good to me. He also wished me to fire his sister's house on the corner of Broadway and Liberty street. He proposed the same to Orcutt. He also wanted me to burn his brother's store; and told me where to get in, in the rear of the store.

One thing I had forgotten in relation to Foster & Dickinson's store—the way we got through to Tiffany's yard: James L. Sayre knocked a board off of the fence, during the day time, on purpose for us to go through. I have received money from Charles H. Sayre to give Orcutt twice or three times, and always was told to tell him to make some fun. On the day of Orcutt's arrest, James L. Sayre told me that he gave Orcutt some money the night before, but did not tell him to make a fire. On the night that the two fires were in West Utica, I saw James L. Sayre give money to Orcutt and tell him to make a fire. I saw Newell give Orcutt three dollars in the Oregon Saloon, to pay him for making a fire a short time before. One evening, at the City Garden Saloon, Charles O'Neil proposed to me to make a fire, and said he would give me five dollars if I would, but I refused. James L. Sayre told me that Butterfield wanted me to burn the barn of T. S. Faxton, because Mr. Faxton had so much finer horses than his father. He told me that Butterfield said it could be done from a yard in Pine street, and that if I would do it he would pay me well for it, but I refused all overtures of the kind. Newell told me that he and Laupaugh had fired buildings some years ago, when Laupaugh was with S. V. Oley learning a trade. Orcutt told me that Charles H. Sayre came up to Rome, and talked with him, and gave him ten dollars; told him to keep still and say nothing. Charles H. Sayre came up here to see me early in the summer, and I told him about his brother preparing the barn of his father, and hiring me to fire it. Charles H. Sayre told me a few days before I was ar-

rested, that there was a secret police watching myself and Orcutt. He said there was six men to watch Orcutt in particular. This he requested me to inform Orcutt of, but not to mention that he (Sayre) told me of it. I told Orcutt as he requested. Some time previous to the burning of Keiser's barn, Henry S. Newell showed me a slow-match, which he had made of punk and matches. The matches were tied around a piece of punk, leaving the punk projecting at one end about half an inch, so that the matches would ignite when the punk burned up to them. The same evening he proposed to me to go with him and try it. We went into West Utica and Newell threw it into the barn belonging to James Mapes, but it did not take effect.

The testimony given on my trial, against me, by John R. Jones, the Sheriff, so far as relates to the confession which he swore to, is false, totally false. I never told Mr. Jones any thing that implicated myself or any one else.

In relation to what Laupaugh swore to on my examination about the carpenter's shop of Mr. Thomas—this is the version of it: Laupaugh, myself and Newell went into the yard in the rear of the shop, but as I understand it, he was the one who prepared to fire it, and who would have done it, if he had not been scared away by the dog. In the charge against me, made by him, of my attempting to fire Scranton's shop, I made no such attempt. I was urged to by him and Newell, but would not, and we separated. I am well aware that my statements do not agree with Orcutt in many particulars, but I can not help it, for I am convinced in my mind that my statements are correct in all particulars. I have just been talking with Orcutt, and he promises to write to the persons having the charge of his statements and correct them, as far as he is able, in all that he can recollect, and in particular to the barn of Harrington, Cooper's barn, and Walker & Clarke's store house, as he says, he is now convinced that in them he has wronged me, although unintentionally. In relation to the burning of the barn of W. C. Marsh, he has wronged me. I was not aware there had been a fire, until late the next morning. In what he says in regard to the Law Buildings, I know nothing at all. I never heard of it until I saw it in his state-

ment, and it surprised me very much. I know nothing in relation to Butterfield except what is related in this paper. And I do not state anything at all for the purpose of injuring any one. I do it as an act of justice to the public, and that my friends may know how I actually stand in this matter. I have no ill feelings against any one, whose name is mentioned in this confession. For what wrong they have done me, I freely forgive them, and pray to God to forgive them as freely as I do. And if I have in any manner wronged them I hope they may forgive me, and pray for me, as I would not intentionally have done so, or would I for all the world.

Mr. Charles H. Sayre swore on my trial that I was not a member of No. 3 fire company; that I was only a runner. For the truth of the statement, I would refer any one who may read this, to the petition of the Secretary for the appointment of members of the company, which was approved, and petition granted by the Common Council, April 4th, 1851, one night only before I was arrested. This petition is in the hands of Richard Lee, and I am certain that my name will be found there. For further proof I would refer to Amos H. Scranton, who was Secretary part of the time, and to whom I paid my fines and taxes; and still further, to the receipt for one share of stock which will be found among my papers, signed by Charles H. Sayre, as Treasurer, and J. H. H. Russ, President, and which I received from Sayre in the presence of Robert W. Chapman. All this must convince any reasonable person that he was very much mistaken in that respect, if not in others.

I think I have stated all that I know concerning the fires, and their origin, and what led to them. I was led into them, and after they were commenced I was threatened with exposure if I did not continue. I never proposed to make a fire to any one. And I never should have made any myself, had I not been urged by James L. Sayre and H. S. Newell, and in an indirect way by Charles H. Sayre. To them I mainly charge my ruin.

At the time I was engaged in painting at Concert Hall, James L. Sayre and H. S. Newell came there almost every day to talk with me, and urge me to make fires in company with him and Newell; and told me of places which were to be burned. James L. Sayre's object, as he told me, in firing Foster & Dickinson's store, was in hopes of burning the store of his father, and Newell wished it to burn the store of his brother at the same time. I had no ill-will against any one whose property was burned. It was done, as far as I know, for the purpose of getting the engines out and having sport. The consequences were hardly thought of. Refreshments furnished by the citizens after the fire, was as

much the object as anything I know of that produced the fires.

The fire at Sayre's barn was not fired until after some two or three weeks from the time it was first proposed, and during every day of this time I was urged both by James L. Sayre and Newell to consent to it, and I never consented until the night it was fired. And I should not have done it then had I not been in liquor, for I never calculated to set it on fire, and I had repeatedly said I would have nothing to do with it, but when in liquor I knew not what I did. During the time of Sayre's urging me to do it, I threatened to inform his father of it, if he did not stop talking about it, and he threatened me with exposure if I did not do as he wished.

Previous to all fires, that I was ever connected with, I was filled with liquor until all sense had left me, so that I hardly knew what I was doing. The liquor was furnished by James L. Sayre and Henry S. Newell.

This I solemnly declare, before God, to be true in all respects and nothing exaggerated. HORACE B. CONKLIN.

LAST LETTER.

WHITESTOWN, Nov. 20, 1851.

On the very eve of suffering a violent and ignominious death, for grievous wrongs to my fellow-men ; and for a grievous violation of the law of the land, I would take a moment from the short time that remains for my preparation to enter the eternal

world, to warn others against the causes that have involved me in the crime that consigns me to the fate so immediately at hand. I am not aware that I have harbored a malicious disposition, and perfectly sure that I was not impelled, for that which I am called to die, by a revengful treatment towards any individual. I trace my ruin to heedlessness, as its ultimate cause, which left me to be easily influenced by evil associations, and to be easily controlled by evil companions. I am the victim, more immediately, of bar-room and saloon tippling, and of engine house frolic and debauchery. And with all the earnestness which my nearness to eternity gives me, I beg those who are engaged in vending intoxicating drinks to give up their corrupt traffic. I beg the civil authorities, and all good citizens, to use their powers and influence to suppress the liquor trade, and to correct and guard against the abuses and evils of the Fire Department. I beg parents more faithfully to restrain their children, and I especially beg young men to shun the resorts for drinking and dissipation. May God bless my example to the reformation of the wayward and vicious, and to the protection of the innocent. May He bring to repentance, and forgive, as I heartily forgive, those who have wronged, and for a time at least, ruined me, and guilty and ill-deserving as I am, may he save me for Jesus' sake.

HORACE B. CONKLIN.

THE EXECUTION.

The unfortunate Conklin is no more. He was executed on Friday, Nov. 21, 1851, at a quarter past 11 o'clock.

His relatives had spent most of the preceding night with him in his cell, but had bid him a last farewell before daylight. Rev. P. H. Fowler, Pastor of the First Presbyterian Church in this city, of which the unfortunate man's mother is an exemplary member, has been his spiritual adviser. He attended him during the morning also, and offered the consolations of the Gospel in his last moments.

The prisoner, ever since his conviction, has exhibited a proper spirit. He has been very much broken in heart for his past misdeeds, and has looked with hope and confidence for forgiveness.

His conversation, with regard to such as he thought had wronged him, has all been in the most christian spirit. His last night he declared to be the happiest of his life. He again and again protested that he would choose to die rather than live the life he had lived. Rev Mr. Fowler informs us that he cannot conceive that a man in Conklin's circumstances could act better than he has done since his conviction.

The instrument of death was a lever with its longer arm about two feet longer than its shorter, erected in the jail yard at Whitesboro. To the longer arm was attached three 56 lbs. weights. From the shorter the prisoner was suspended. The longer arm was fastened with a cord to a beam, and by cutting the cord, the weights were made to fall, and the other arm of the lever was suddenly raised about six feet. In the enclosure, were about two hundred persons, jurymen, special deputies, and others. The Utica Citizens' Corps, and the Waterville Corps were on duty.

At eleven o'clock, the Death Warrant, signed by Judge Gridley, Root, Evans, and Penfield, was read by the District Attorney to the prisoner in his cell. He listened to it calmly, and then shook hands with those about him.

At a quarter past eleven, the prisoner was brought from his cell, accompanied by Rev. Mr. Fowler. Conklin was attired in a black dress coat and pants. His arms were bound with a cord behind his back. On his head was the death cap, and on his neck the fatal rope. He was placed on a chair beneath the gallows.

Rev. Mr. Fowler said:

Conklin wishes me to say for him that he has nothing to add to that which he has already committed to paper. But he prays that his awful example may be sanctified to all present. He prays that it may be a warning to all to shun his course, and to prepare you for the certain death which awaits you all. He entreats that you may all be ready at your appointed hours, to meet him in judgment.

Rev. Mr. Fowler then offered a fervent prayer for the pardon of the prisoner, and that he might be with Christ that hour in Paradise.

Conklin said: "Lord Jesus, receive my spirit."

And Mr. Fowler said: "The Lord have mercy on your soul."

The prisoner was calm and exhibited no signs of fear, but met death like one who saw a better prospect beyond the tomb.

While Under Sheriff Ostrom was adjusting the rope, Conklin once or twice repeated the words: "Lord Jesus, receive my spirit."

The death cap was pulled over the unfortunate man's face. The rope was cut. Conklin was raised several feet from the

ground. His neck was not broken, but the jerk rendered him insensible, and he probably suffered no pain afterwards, although his pulse was observed by Drs. Smith, Tallot, and Cobb, who were in attendance, to beat for from twelve to thirteen minutes after he was first suspended. He died by strangulation. His death was easy, though life lingered long.

As he rose, he clenched his fists, but there was hardly another movement at first. After a while, a few convulsions, and then all was over.

The body was suffered to hang for about thirty minutes. It was then put in a coffin and brought in a hearse to the residence of his father.

The law is satisfied. Let not its odium fall on the innocent. The relatives and friends of the deceased should feel that they have the sympathy of all good persons, in their affliction.

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